REMARKS/ARGUMENTS

Reexamination and reconsideration of this application as amended is requested. By this amendment, claims 1, 6, 8, 11, 13, 15, 21, 24 and 25 were amended. No new claims were added. No claims were canceled. After this amendment, Claims 1-25 remain pending in the application. By this amendment, few minor informalities in the specification were corrected. No new matter was added.

Claims Rejection under 35 U.S.C. §112

Reconsideration of the rejection of claims 1, 6, 8, 11, 13, 15, 17, 21, 24 and 25, rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention, is respectfully requested in view of the amendment to the claims. Applicants have corrected all the insufficient antecedent basis issues pointed out by the Examiner.

Claims Rejection under 35 U.S.C. §102

Reconsideration of the rejection of claims 1, 2, 4-6, 8, 10, 11, 13, 15, 17, 20-22, 24 and 25, rejected under 35 U.S.C. §102(e) as being anticipated by Chen et al., (U.S. Patent No. 6,412,004) hereinafter referred to as "Chen", is respectfully requested for the following reasons.

The Examiner correctly points out that Chen measures how close a client is to a multimedia server by the metaserver using the time zone. However, in the network of Chen, the time zone is assigned by a system administrator. In particular, Chen states,

"To measure how close a client is to a multimedia server, the metaserver currently uses time zone, sub net addresses, and optional region names that may be assigned by a system administrator". See col. 7, lines 26-29 of Chen.

On the other hand, the invention does not depend upon the time zone being assigned by a system administrator. According to the method of claim 1, a server sends to a user a client side program that reads the local time of the user, and the client side program effectuates the sending of the local time of the user to the server. These aspects of the invention are recited in the first two steps of amended claim 1, as follows:

"sending to the user a client side program that reads the local time of the user;

receiving from the user a request and the local time of the user, wherein the client side program effectuated the sending of the local time of the user;"

Chen fails to teach, suggest or disclose the foregoing first and second steps of amended claim 1. Other than the first mention of "time zone" in Chen, quoted above, the only other mention of "time zone" in Chen is the phrase, "Whether the client and a multimedia server are in the same time zone", which appears at col. 7, lines 49-50 of Chen. Therefore, Chen does not disclose any details regarding how it obtains the time zone information (other than possibly being assigned by a system administrator). Obviously, the claims of the present application do not recite that the time zone is assigned by a system administrator. More importantly, Chen does not disclose anything about use of a client side program to obtain the time zone.

Referring now specifically to the rejection of claim 11. According to the method of amended claim 11, the invention sends to the user, in response to the HTTP request, web content comprising a client side program, and the client program reads the local time of the user and embeds the local time of the user into a link. This aspect of the invention is recited as the first step of amended claim 11, as follows:

"sending to the user, in response to the HTTP request, web content comprising a client side program, wherein the client program reads the local time of the user and embeds the local time of the user into a link;"

Chen fails to teach, suggest or disclose the foregoing first step of amended claim 11. Chen does not disclose sending a client side program to a user in response to an HTTP request from the user.

Referring now specifically to the rejection of claim 17. The computer system in accordance with the invention, as recited in amended claim 17, includes a client side program that reads the local time of the client and embeds the local time of the user in a link. This aspect of the invention is recited as the first element of amended claim 17, as follows:

"a client side program that reads the local time of the client and embeds the local time of the user in a link;"

Chen fails to teach, suggest or disclose the foregoing first element of amended claim 17. Chen does not disclose a client side program that reads the local time of the client and embeds the local time of the user in a link.

Referring now specifically to the rejection of claim 21. Claim 21 was amended to include the limitation of "and embeds the local time of the user in a link". This same limitation appears in claim 17, as originally filed. The computer readable medium in accordance with the invention, as now recited in amended claim 21, includes computer instructions for sending to the user a client side program that reads the local time of the user and embeds the local time of the user in a link. This aspect of the invention is recited as the first element of amended claim 21, as follows:

"sending to the user a client side program that reads the local time of the user and embeds the local time of the user in a link;"

Chen fails to teach, suggest or disclose the foregoing first element of amended claim 21. Chen does not disclose computer instructions for sending to the user a client side program that reads the local time of the user and embeds the local time of the user in a link.

Because claims 6 and 8 depend upon amended claim 1, claims 13 and 15 depend upon amended claim 11, and claims 24 and 25 depend upon amended claim 21, and because dependent claims recite all the limitations of the independent claim, it is believed that claims 6, 8, 13, 15, 24 and 25 also recite in allowable form. Accordingly, in view of the amendments and remarks above, Applicants believe that the rejection of claims 1, 2, 4-6, 8, 10, 11, 13, 15, 17, 20-22, 24 and 25 under 35 U.S.C. §102(e) has been overcome.

Claims Rejection under 35 U.S.C. §103

Reconsideration of the rejection of claims 3, 7, 9, 12, 14, 16, 18, 19 and 23, rejected under 35 U.S.C. §103(a) as being unpatentable over Chen et al., (U.S. Patent No. 6,412,004) and further in view of Graham et al., (U.S. Patent No. 6,871,213) hereinafter referred to as "Graham", is respectfully requested for the following reasons. Claims 3, 7 and 9 depend upon amended claim 1; claims 12, 14 and 16 depend upon amended claim 11; and claims 18, 19 and 23 depend upon amended claim 21. Dependent claims recite all the limitations of the independent claim, and because Graham also fails to disclose the elements and steps of the independent claims quoted hereinabove, the combination of Chen and Graham fails to disclose such elements and steps, and, therefore, it is believed that claims 3, 7, 9, 12, 14, 16, 18, 19 and 23 also recite in allowable form. Accordingly, in view of the remarks above, Applicants believe that the rejection of claims 1, 2, 4-6, 8, 10, 11, 13, 15, 17, 20-22, 24 and 25 under 35 U.S.C. §103(a) has been overcome.

Conclusion

The foregoing is submitted as a full and complete response to the Official Action mailed August 11, 2005, and it is suggested that claims 1-25 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-25 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants acknowledge the continuing duty of candor and good faith to disclose information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

The present application, after entry of this amendment, comprises twenty-five (25) claims, including four (4) independent claims. Applicants have previously paid for twenty-five (25) claims including four (4) independent claims. Applicants, therefore, believe that an additional fee for claims amendment is currently not due.

If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-1556.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

Date: October 14, 2005

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